

1-1 By: Carona S.B. No. 1033  
1-2 (In the Senate - Filed March 4, 2013; March 12, 2013, read  
1-3 first time and referred to Committee on Business and Commerce;  
1-4 March 27, 2013, reported favorably by the following vote: Yeas 9,  
1-5 Nays 0; March 27, 2013, sent to printer.)

1-6 COMMITTEE VOTE

1-7		Yea	Nay	Absent	PNV
1-8	Carona	X			
1-9	Taylor	X			
1-10	Eltife	X			
1-11	Estes	X			
1-12	Hancock	X			
1-13	Lucio	X			
1-14	Van de Putte	X			
1-15	Watson	X			
1-16	Whitmire	X			

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the registration and use of marks, including trademarks  
1-20 and service marks.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 16.002, Business & Commerce Code, is  
1-23 amended to read as follows:

1-24 Sec. 16.002. INAPPLICABILITY OF CHAPTER. (a) This  
1-25 chapter does not apply to the registration or use of a livestock  
1-26 brand or other indicia of ownership of goods that do not qualify as  
1-27 a mark.

1-28 (b) Except as provided by this subsection, a trade name is  
1-29 not registrable under this chapter. If a trade name is also a  
1-30 service mark or trademark, the trade name is registrable as a  
1-31 service mark or trademark.

1-32 SECTION 2. Subsection (c), Section 16.003, Business &  
1-33 Commerce Code, is amended to read as follows:

1-34 (c) Use of a [A] mark made merely to reserve a right in the  
1-35 mark is not considered to be a bona fide [in] use of a mark for  
1-36 purposes of [in] this chapter [state in connection with goods or  
1-37 services].

1-38 SECTION 3. Subsection (b), Section 16.059, Business &  
1-39 Commerce Code, is amended to read as follows:

1-40 (b) The registration of a mark under this chapter may be  
1-41 renewed for an additional five-year term by filing a renewal  
1-42 application in the manner prescribed by the secretary of state and  
1-43 paying a renewal fee not earlier ~~[later]~~ than the 180th day before  
1-44 the date the registration expires.

1-45 SECTION 4. The change in law made by this Act to Subsection  
1-46 (b), Section 16.059, Business & Commerce Code, applies only to a  
1-47 renewal application filed on or after the effective date of this  
1-48 Act. A renewal application filed before the effective date of this  
1-49 Act is governed by the law in effect immediately before that date,  
1-50 and that law is continued in effect for that purpose.

1-51 SECTION 5. This Act takes effect September 1, 2013.

1-52 \* \* \* \* \*